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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 STEPHEN A. KELLOGG,

11 Plaintiff,

12 v.

13 UNITED STATES DEPARTMENT OF
14 JUSTICE, *et al.*,

15 Defendants.

Case No. C05-5378FDB

ORDER DISMISSING
FRIVOLOUS COMPLAINT
PURSUANT TO 28 U.S.C. §
1915

16 The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley
17 Arnold and the remaining record, and no objections having been filed, does hereby find and ORDER:

- 18 (1) The Court adopts the Report and Recommendation;
19 (2) Plaintiff's complaint is DISMISSED;
20 (3) The Clerk is directed to terminate this action pursuant to **28 U.S.C. § 1915(e)** and to count
21 this as a dismissal under **28 U.S.C. § 1915(g)**; and
22 (4) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J. Kelley
23 Arnold.

24 DATED this 3rd day of November 2005.

25 
26 FRANKLIN D. BURGESS
27 UNITED STATES DISTRICT JUDGE
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